IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 17482 of 2004

Between:

C.R.Reddy, S/o. Malla Reddy, aged about 47 years,
R/o H.No.1-190, Maruthi Nagar, Mancherial,

Adilabad District.

..... PETITIONER

AND

1. The Divisional Manager/Dy. Chief Traffic Manager,

APSRTC, Adilabad Region, Adilabad District.
2. The Depot Manager, APSRTC, Mancherial Bus Depot,

Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings dt.28-12-1998 as illegal, arbitrary, and unjust and consequently set aside the proceedings dt.28-12-1998 issued by the 2nd respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent Nos.1 & 2: Smt.P.Rajani, Standing Counsel for A.P.S.R.T.C.

The Court at the stage of admission made the following :

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 17482 of 2004

ORDER:

The petitioner is working as a Driver in the respondent-Corporation since 1986. A charge sheet was issued to him alleging that he was unauthorisedly absent for a period of five days. He submitted an explanation on 29.08.1997. The second respondent passed an order on 28.12.1998 finding the petitioner guilty of the charge and imposed a punishment of stoppage of two increments with cumulative effect. The petitioner preferred an appeal to the first respondent on 15.01.1999 and it is pending before the appellate Authority.

2. The grievance of the petitioner is that the second respondent imposed the major penalty without conducting any enquiry and it is against the rules and regulations of the Corporation and against the principles of natural justice, therefore, the order is liable to be set aside.

3. Since the appeal preferred by the petitioner is pending with the first respondent, it is not appropriate to pass any order by this Court at this stage. It is appropriate to direct the first respondent to pass orders on merits after hearing the petitioner in the said appeal.

4. Having regard to the above circumstances, the first respondent is directed to pass appropriate orders on the appeal preferred by the petitioner on 15.01.1999 within eight weeks from the date of receipt of a copy of this Order, according to rules and communicate the same to the petitioner.

5. The Writ Petition is accordingly disposed of. No order as to costs.

Dr.G.YETHIRAJULU, J

Date: 29th September, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Divisional Manager/Dy. Chief Traffic Manager, APSRTC,

Adilabad Region, Adilabad District.

2.The Depot Manager, APSRTC, Mancherial Bus Depot, Adilabad

District.

3.Two C.D. copies.